

CLOSED,INTERPRETER

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:22-mj-00361-1
*Internal Use Only***

Case title: USA v. Rong

Date Filed: 02/18/2022

Other court case number: 3:22-cr-00046-HZ-1 District of
Oregon (Portland)

Date Terminated: 02/22/2022

Assigned to: Magistrate Judge
Dena Hanovice Palermo

Defendant (1)

Fayao Rong

Unsecured \$100,000 bond

TERMINATED: 02/22/2022

represented by **Federal Public Defender – Houston**

440 Louisiana

Ste 310

Houston, TX 77002

713-718-4600

Fax: 713-718-4610

Email: hou_ecf@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Houston Interpreter

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints**Disposition**

RULE 5(C)(3)

Plaintiff

USA

Date Filed	#	Page	Docket Text
02/18/2022	<u>1</u>		Copy of Indictment and Docket Sheet from the District of Oregon (Portland) Case No. 3:22-cr-46 HZ as to Fayao Rong, filed.(RebeccaBecknal, 4) (Entered: 02/18/2022)
02/18/2022			Arrest (Rule 40) of Fayao Rong, filed. (RebeccaBecknal, 4) (Entered: 02/18/2022)
02/18/2022			***Set Hearing as to Fayao Rong: Initial Appearance – Rule 40 set for 2/18/2022 at 02:00 PM in by video before Magistrate Judge Dena Hanovice Palermo (RebeccaBecknal, 4) (Entered: 02/18/2022)
02/18/2022			INITIAL APPEARANCE IN RULE 5(c)(3) Minute Entry for proceedings held on 2/18/2022 before Magistrate Judge Dena Hanovice Palermo as to Fayao Rong. Defendant first appearance on Indictment from the Oregon District Court 3-22-46 and advised of rights/charges. Defendant requests appointed counsel, Financial affidavit executed, Defendant appeared with counsel. Order appointing FPD for limited purpose, Court orders deft to reimburse the CJA Fund, Defendant to make a one-time payment of 250.00, Bond set, Unsecured \$100,000 bond, Defendant advised of conditions of release, Defendant to be released after bond perfected, Deft on bond to appear in originating district Oregon District Court, Portland Division for hearing set on at., 1000 SW Third Ave, Portland, OR 97204. Defendant orally waived his in person appearance and consented to appear by video on the record. Appearances: AUSA Celia Moyer f/USA; AFDPA Ruben Pena f/Deft.(ERO:Yes) (Interpreter: Yes) (Pretrial Officer: Bradley Woermkle) Bond executed and deft to be released, filed.(cfelchak, 4) (Entered: 02/18/2022)
02/18/2022	<u>2</u>		Sealed Financial Affidavit CJA 23 by Fayao Rong, filed. (Entered: 02/18/2022)
02/18/2022	<u>3</u>		ORDER for Reimbursement of Court Appointed Counsel as to Fayao Rong a one-time payment in the amount of \$250.00. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (cfelchak, 4) (Entered: 02/18/2022)
02/18/2022	<u>4</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER FOR LIMITED PURPOSE. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (cfelchak, 4) (Entered: 02/18/2022)
02/18/2022	<u>5</u>		ORDER APPOINTING COUNSEL FOR LIMITED PURPOSE for Defendant Fayao Rong. Ruben Pena appointed. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (cfelchak, 4) (Entered: 02/18/2022)
02/18/2022	<u>6</u>		BRADY ORDER on Rule 5(f) as to Fayao Rong. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (cfelchak, 4) (Entered: 02/18/2022)
02/18/2022			

		Interpreter needed as to Fayao Rong. Language: MANDARIN. Houston Interpreter for Fayao Rong added. (cfelchak, 4) (Entered: 02/18/2022)
02/18/2022	<u>7</u>	ORDER for Defendant to Appear in the District Where Charges Are Pending and Transferring Bail as to Fayao Rong. The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending. Charging District: Oregon District Court, Portland Division, 3-22-46. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (cfelchak, 4) (Entered: 02/18/2022)
02/22/2022	<u>8</u>	Unsecured Bond Entered as to Fayao Rong in amount of \$ 100,000,, filed. (cfelchak, 4) (Entered: 02/22/2022)
02/22/2022	<u>9</u>	ORDER Setting Conditions of Release as to Fayao Rong. (Signed by Magistrate Judge Dena Hanovice Palermo) (Attachments: # <u>1</u> Unredacted attachment) Parties notified. (cfelchak, 4) (Entered: 02/22/2022)
02/22/2022		RULE 5 Papers sent to District of Oregon Division as to Fayao Rong, filed.(cfelchak, 4) (Entered: 02/22/2022)

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:37145267@txs.uscourts.gov
Subject:Activity in Case 4:22-mj-00361 USA v. Rong Set/Reset Hearings
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 2/18/2022 at 11:05 AM CST and filed on 2/18/2022

Case Name: USA v. Rong

Case Number: 4:22-mj-00361

Filer:

Document Number: No document attached

Docket Text:

*****Set Hearing as to Fayao Rong: Initial Appearance – Rule 40 set for 2/18/2022 at 02:00 PM in by video before Magistrate Judge Dena Hanovice Palermo (RebeccaBecknal, 4)**

4:22-mj-00361-1 Notice has been electronically mailed to:

4:22-mj-00361-1 Notice has not been electronically mailed to:

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants: Federal Public Defender - Houston (hou_ecf@fd.org)
--Non Case Participants:
--No Notice Sent:

Message-Id:37147010@txs.uscourts.gov
Subject:Activity in Case 4:22-mj-00361 USA v. Rong Initial Appearance - Rule 5(c)(3)
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 2/18/2022 at 2:45 PM CST and filed on 2/18/2022

Case Name: USA v. Rong

Case Number: 4:22-mj-00361

Filer:

Document Number: No document attached

Docket Text:

INITIAL APPEARANCE IN RULE 5(c)(3) Minute Entry for proceedings held on 2/18/2022 before Magistrate Judge Dena Hanovice Palermo as to Fayao Rong. Defendant first appearance on Indictment from the Oregon District Court 3-22-46 and advised of rights/charges. Defendant requests appointed counsel, Financial affidavit executed, Defendant appeared with counsel. Order appointing FPD for limited purpose, Court orders debt to reimburse the CJA Fund, Defendant to make a one-time payment of 250.00, Bond set, Unsecured \$100,000 bond, Defendant advised of conditions of release, Defendant to be released after bond perfected, Debt on bond to appear in originating district Oregon District Court, Portland Division for hearing set on at,, 1000 SW Third Ave, Portland, OR 97204. Defendant orally waived his in person appearance and consented to appear by video on the record. Appearances: AUSA Celia Moyer f/USA; AFDPD Ruben Pena f/Deft.(ERO:Yes) (Interpreter: Yes) (Pretrial Officer: Bradley Woermkle) Bond executed and debt to be released, filed.(cfelchak, 4)

4:22-mj-00361-1 Notice has been electronically mailed to:

Federal Public Defender - Houston hou_ecf@fd.org

4:22-mj-00361-1 Notice has not been electronically mailed to:

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:37145261@txs.uscourts.gov
Subject:Activity in Case 4:22-mj-00361 USA v. Rong Arrest - Rule 40
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 2/18/2022 at 11:04 AM CST and filed on 2/18/2022

Case Name: USA v. Rong

Case Number: 4:22-mj-00361

Filer:

Document Number: No document attached

Docket Text:

Arrest (Rule 40) of Fayao Rong, filed. (RebeccaBecknal, 4)

4:22-mj-00361-1 Notice has been electronically mailed to:

4:22-mj-00361-1 Notice has not been electronically mailed to:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**ENTERED**

February 18, 2022

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

versus

§

Case No. 4:22-mj-00361

§

Fayao Rong

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§

**ORDER FOR REIMBURSEMENT
OF COURT APPOINTED COUNSEL**

Upon review of Defendant's Financial Affidavit, the Court has determined that the Defendant qualifies for court appointed counsel in accordance with the Criminal Justice Act. The Defendant is, however, able to make a financial contribution towards his/her legal representation. It is therefore,

ORDERED that Defendant make a one-time payment in the amount of \$250.00 within 30 days after entry of this Order.

Payment should be made in the form of a money order or cashier's check, made payable to **Clerk, U.S. District Court**, and mailed to **U.S. District Court, Financial Section, P.O. Box 61010, Houston, Texas 77208**.

Date: February 18, 2022


Dena Hanovice Palermo
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**ENTERED**

February 18, 2022

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

§

versus

§

Case No. 4:22-mj-00361

§

Fayao Rong

§

ORDER APPOINTING COUNSEL FOR LIMITED PURPOSE

Because the Defendant, Fayao Rong, has satisfied this court that (s)he is financially unable to employ counsel for initial appearance only and does not wish to waive counsel, and because the interests of justice so require, an attorney is hereby **APPOINTED** to represent Defendant in the above designated case for the **limited purpose of any hearing conducted in Houston, Texas**, and shall have no effect once the Defendant is transferred to the original court in the Oregon District Court, Portland Division. Once transferred, the original court must make a new determination on whether the Defendant satisfies the requirements for appointed counsel based on the information available to the court at that time.

Attorney appointed: Federal Public Defender

The appointment **SHALL** remain in effect until Defendant is transferred to the original jurisdiction and this case is terminated in the Southern District of Texas.

Signed on February 18, 2022.

Dena Hanovice Palermo
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**ENTERED**

February 18, 2022

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

§

versus

§

Case No. 4:22-mj-00361

§

Fayao Rong

§

ORDER APPOINTING COUNSEL FOR LIMITED PURPOSE

Because the Defendant, Fayao Rong, has satisfied this court that (s)he is financially unable to employ counsel for initial appearance only and does not wish to waive counsel, and because the interests of justice so require, an attorney is hereby **APPOINTED** to represent Defendant in the above designated case for the **limited purpose of any hearing conducted in Houston, Texas**, and shall have no effect once the Defendant is transferred to the original court in the Oregon District Court, Portland Division. Once transferred, the original court must make a new determination on whether the Defendant satisfies the requirements for appointed counsel based on the information available to the court at that time.

Attorney appointed: Ruben Pena

The appointment **SHALL** remain in effect until Defendant is transferred to the original jurisdiction and this case is terminated in the Southern District of Texas.

Signed on February 18, 2022.

Dena Hanovice Palermo
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**ENTERED**

February 18, 2022

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

versus

Fayao Rong

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Case No. 4:22-mj-00361

ORDER

In accordance with Federal Rule of Criminal Procedure 5(f), as amended by the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), the Government is **ORDERED** to comply with the prosecutor's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. The Government is also notified of the potential consequences of violating this Order and the disclosure obligations. The consequences include, but are not limited to, sanctions such as delaying trial or other proceedings, excluding evidence, giving adverse jury instructions, granting a new trial, dismissing the case, or finding the Government in contempt.

It is so **ORDERED**.**SIGNED** on February 18, 2022.

 Dena Hanovice Palermo
 United States Magistrate Judge

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants: Federal Public Defender - Houston (hou_ecf@fd.org)
--Non Case Participants:
--No Notice Sent:

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Subject:Activity in Case 4:22-mj-00361 USA v. Rong Interpreter Needed
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 2/18/2022 at 2:49 PM CST and filed on 2/18/2022

Case Name: USA v. Rong

Case Number: 4:22-mj-00361

Filer:

Document Number: No document attached

Docket Text:

Interpreter needed as to Fayao Rong. Language: MANDARIN. Houston Interpreter for Fayao Rong added. (cfelchak, 4)

4:22-mj-00361-1 Notice has been electronically mailed to:

Federal Public Defender - Houston hou_ecf@fd.org

4:22-mj-00361-1 Notice has not been electronically mailed to:

Houston Interpreter

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****ENTERED**

February 18, 2022

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

versus

Fayao Rong

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Case No. 4:22-mj-00361

Charging District:

Oregon District Court

Charging District's Case No. 3-22-46

**ORDER REQUIRING DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in Oregon District Court, the district court where the charges are pending, to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: Oregon District Court, Portland Division 1000 SW Third Ave, Portland, OR 97204	Location: Date and Time:
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The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 2/18/2022


Dena Hanovice Palermo
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States of America

vs.

Rong Fayao

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4:22-MJ-00361

APPEARANCE BOND

Defendant's Agreement

I, Fayao Rong (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
- (☒) if convicted, to surrender to serve a sentence that the court may impose; or
- (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (☐) (1) This is a personal recognizance bond.
- (☒) (2) This is an unsecured bond of \$ 100,000.00.
- (☐) (3) This is a secured bond of \$ <Secured dollar amount of bond>, secured by: <Secured by (name)>.

(☐) (a) \$ <Cash deposit amount>, in cash deposited with the court.

(☐) (b) the agreement of the defendant and each surety to forfeit the following cash or other

property (*describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value*):

<Description of cash or property>

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

(☐) (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

<Surety description>

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true.
(See 28 U.S.C. § 1746.)

Date: 2/18/22

FAYAO RONG
Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 2-18-2022

CJ
Signature of Clerk or Deputy Clerk

Approved.

February 22, 2022

Date: _____

Dena Palermo

Judge's signature

ENTERED

February 22, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Rong Fayao*Defendant*

Case No. 4:22-mj-361-

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear

Immediately upon release from USM custody*Date and Time*

at

Pretrial Services, 515 Rusk St., 2nd Floor, Houston, TX 77002*Place*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(☐) (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

(☒) (7) The defendant must:

(☒) (a) submit to supervision by and report for supervision to the _____ Pretrial Services _____, telephone number _____, no later than _____.

(☒) (b) Maintain or actively seek FULL-TIME verifiable employment.

(☐) (c) continue or start an education program.

(☒) (d) surrender any passport to: _____

(☒) (e) not obtain a passport or other international travel document.

(☒) (f) abide by the following restrictions on personal association, residence, or travel: _____ Harris and surrounding counties with permission To travel to D/ Oregon for related Court matters. Outside travel must be preapproved by US Probation Office

(☒) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____ Co Defendants or Co Conspirators

(☐) (h) get medical or psychiatric treatment: _____

(☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

(☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(☒) (k) not possess a firearm, destructive device, or other weapon.

(☒) (l) not use alcohol (☐) at all (☒) excessively.

(☒) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical medical practitioner. Do not use or consume products containing or marketed as cannabidiol (CBD)

(☐) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or

(☐) (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- (☐) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (☐) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (☐) (ii) Voice Recognition; or
 - (☐) (iii) Radio Frequency; or
 - (☐) (iv) GPS.
- (☐) (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (☒) (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (☒) (t) **Firearms at the residence to be removed prior to release.**
-

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


Directions to the United States Marshal

- (☐) The defendant is ORDERED released after processing.
- (☒) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: February 22, 2022



Judicial Officer's Signature

Dena Hanovice Palermo

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Rong Fayao*Defendant*)
)
)
)
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)

Case No. 4:22-mj-361-

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear

Immediately upon release from USM custody*Date and Time*

at

Pretrial Services, 515 Rusk St., 2nd Floor, Houston, TX 77002*Place*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(☐) (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

(☒) (7) The defendant must:

(☒) (a) submit to supervision by and report for supervision to the _____ Pretrial Services _____, telephone number _____, no later than _____.

(☒) (b) Maintain or actively seek FULL-TIME verifiable employment.

(☐) (c) continue or start an education program.

(☒) (d) surrender any passport to: _____

(☒) (e) not obtain a passport or other international travel document.

(☒) (f) abide by the following restrictions on personal association, residence, or travel: _____ Harris and surrounding counties with permission To travel to D/ Oregon for related Court matters. Outside travel must be preapproved by US Probation Office

(☒) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____ Co Defendants or Co Conspirators

(☐) (h) get medical or psychiatric treatment: _____

(☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

(☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(☒) (k) not possess a firearm, destructive device, or other weapon.

(☒) (l) not use alcohol (☐) at all (☒) excessively.

(☒) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical medical practitioner. Do not use or consume products containing or marketed as cannabidiol (CBD)

(☐) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or

(☐) (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- (☐) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (☐) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (☐) (ii) Voice Recognition; or
 - (☐) (iii) Radio Frequency; or
 - (☐) (iv) GPS.
- (☐) (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (☒) (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (☒) (t) **Firearms at the residence to be removed prior to release.**
-

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

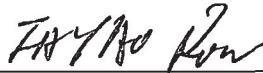
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

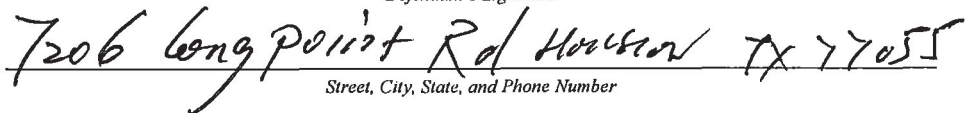
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature



Street, City, State, and Phone Number

Directions to the United States Marshal

- (☐) The defendant is ORDERED released after processing.
- (☒) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: February 22, 2022



Judicial Officer's Signature

Dena Hanovice Palermo

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants: Federal Public Defender - Houston (hou_ecf@fd.org)
--Non Case Participants:
--No Notice Sent:

Message-Id:37154730@txs.uscourts.gov
Subject:Activity in Case 4:22-mj-00361 USA v. Rong Rule 5 Papers Sent
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 2/22/2022 at 1:38 PM CST and filed on 2/22/2022

Case Name: USA v. Rong

Case Number: 4:22-mj-00361

Filer:

Document Number: No document attached

Docket Text:

RULE 5 Papers sent to District of Oregon Division as to Fayao Rong, filed.(cfelchak, 4)

4:22-mj-00361-1 Notice has been electronically mailed to:

Federal Public Defender – Houston hou_ecf@fd.org

4:22-mj-00361-1 Notice has not been electronically mailed to:

Houston Interpreter